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UNCLAS KUWAIT 003158

SIPDIS

FOR G/TIP, NEA/ARPI

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TAGS: PHUM PGOV PREL KCRM KU

SUBJECT: TIP UPDATE: GOK PROPOSES NEW LABOR LAW, TO REQUIRE CONTRACT FOR MAIDS

REF: A. KUWAIT 2863

B. STATE 108156

11. Ministry of Social Affairs and Labor (MOSAL) Acting Undersecretary Mohammed Al-Kandari updated CDA July 12 on Kuwait's actions to combat trafficking in persons (TIP) in the second in a series of meetings (ref A) since the release of the TIP Report in June (ref B). Al-Kandari reported that MOSAL would present a new draft labor law, already approved by the Fatwa and Legislation Department, to the Council of Ministers and then to the National Assembly for approval. According to press reports, the draft law seeks to:

- Establish a monthly minimum wage of 50KD (approximately \$172),
- Limit the work week to 48 hours,
- Permit the formation of labor unions,
- Protect workers against termination without cause,
- Afford women 45 days of maternity leave, and
- Guarantee 15-30 days per year as an end-of-service benefit.

The law cannot be ratified, however, before the Parliament reconvenes on October 17.

12. Al-Kandari also noted that the Ministry of Interior (MOI), the entity responsible for domestic employees, would require servants, sponsors and recruitment agencies to sign a contract before the expatriate workers can receive employment visas and leave their home countries. The MOI decreed July 8 that enforcement would take effect October 1 although the regulation was originally issued in April 2004. The U/S provided a copy of the new contract that stipulates that the sponsor should:

- Provide the domestic with appropriate accommodation, food, clothing and medical treatment;
- Pay the domestic on time at the end of the month;
- Not deduct recruitment costs from the domestic's salary;
- Afford the domestic one month of paid leave per year; and
- Repatriate the domestic's remains in case of death and pay his/her survivors an indemnity of two months' salary.

The domestic, meanwhile, pledges to safeguard the secrets, funds and property of the sponsoring family; obey the sponsor's instructions; and observe Kuwait's customs and traditions. The contract states that any conflicts shall be settled by Kuwaiti courts.

13. EmbOffs are scheduled to meet again with MOSAL representatives on July 26. Post understands that G/TIP officials are considering a late July visit to Kuwait, and Post recommends that any visit coincide with this meeting as GOK officials are unlikely to be available later.

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